

CITY OF FLORISSANT



COUNCIL MINUTES

November 25, 2019

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, November 25, 2019 at 7:30 p.m. with Council President Caputa presiding. The Chair asked everyone in attendance to stand and join in reciting the Pledge of Allegiance.

On Roll Call the following Councilmembers were present: Pagano, Parson, Siam, Harris, Eagan, Caputa, Schildroth, Henke and Pagano. Also present was Mayor Timothy Lowery, City Clerk Karen Goodwin and City Attorney John Hessel. A quorum being present the Chair stated that the Council Meeting was in session for the transaction of business.

Council President Caputa announced that Councilman Tim Jones, Ward 2, has submitted his resignation effective immediately. Mayor Lowery will be appointing someone to fill his seat as soon as possible. Councilman Caputa added that Mr. Jones has worked hard for his constituents and the City of Florissant and will be terribly missed.

Councilman Caputa moved to amend the agenda to appoint a new Council vice-president, seconded by Pagano. Motion carried. Councilman Caputa moved to nominate Councilman Schildroth, as the new vice-president, seconded by Pagano. On roll call, Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Motion carried.

Councilman Henke moved to approve the Meeting Minutes of November 11, 2019, seconded by Harris. Motion carried.

The next item on the Agenda was *Hearing from Citizens*.

Bob Carmack, 1200 Lindsay, expressed his views regarding the resignation of Councilman Tim Jones. Mr. Carmack stated that Ward 2 has never had a more hard working Councilperson and he will be missed by all his residents.

The next item on the Agenda was *Communications* of which there were none.

The next item on the Agenda was *Public Hearings*.

32 The City Clerk reported that Public Hearing #19-11-030 to amend the Zoning Code to add
33 signage regulations to restrict Short Term Loan establishments had been postponed from 11/11/19. The
34 Chair declared the Public Hearing to be open and invited those who wished to be heard to come
35 forward.

36 Mr. Hessel stated that over the years many members of the City Council expressed their views
37 that Short Term Loan establishments charged extremely high interest rates and caused undo hardships
38 for seniors and low income residents. The city has looked at various ways to limit these types of
39 businesses. Unfortunately, government officials in Jefferson City have mandated that they cannot be
40 prohibited. None the less, the city can limit them by requiring the installation of security cameras, and
41 placing “No Loitering” signs on the premises. Also, the Council can require that no more than 10% of
42 the windows can be obstructed with signage since this prevents visibility. Location and density
43 restrictions can also be legislated. Additionally, other loan information, including interest rates
44 charged, will be posted.

45 Councilman Parson stated that a disproportionate number of these types of establishments are
46 located in the Florissant zip code area. Mayor Lowery asked Mr. Hessel if it would be feasible to enact
47 a waiting period after a citizens applied for the loan.

48 The Chair asked if there were any citizens who would like to speak on said public hearing.
49 Veronica Johnson and David Lander appeared before the Council and stated their objections to
50 predatory lending in the City.

51 Being no other citizens who wished to speak, Councilman Schildroth moved close P.H. #19-
52 11-030, seconded by Caputa. Motion carried.

53 The City Clerk reported that Public Hearing #19-11-031 to be held this night on a request to
54 amend the Zoning Code to add State Substance Awareness Traffic Offender Program, probation
55 service, theft offense, domestic violence and substance abuse service establishments as a Special Use
56 had been advertised in substantially the same form as appears in the foregoing publication and by
57 posting the same. The Chair declared the Public Hearing to be open and invited those who wished to
58 be heard to come forward.

59 Mr. Lum, Building Commissioner, stated that the Planning & Zoning Commission
60 recommended approval for this request contingent upon a positive recommendation from the Landmark
61 Historic District Commission, LHDC. The LHDC met this evening and the motion to recommend
62 approval failed.

63 Councilman Henke, Ward 6, stated his objections to this type of enterprise in the Historic
64 District.

65 Christine Keil, 110 St. Pierre, stated that she is against this proposal for a change to the Zoning
66 Code in the Historic District. She added that there are many other zoning districts to which this type of
67 business could locate and would be more suitable.

68 Dave Nauman, attorney, stated that the building which the petitioner purchased, 699 rue St.
69 Francois, has been vacant for six years. Mike Smith has run EMASS in Florissant since 1992 in
70 Florissant Oaks Shopping Center and there has never been any incident. After Mr. Smith purchased
71 the building on St. Francois, he was given approval by the city, and operated the business for six weeks.
72 The approval was then rescinded by the City and he immediately stopped running his business. Mr.
73 Smith and his wife have made a substantial investment in the Florissant by purchasing and upgrading
74 this site. EMASS is vital to the court system and has been instrumental in turning people's lives
75 around. Anger management and domestic abuse cases will not be dealt with at this location, only
76 alcohol related issues. There is ample parking. Mr. Naumann feels that the services provided by Mr.
77 Smith are akin to the psychological counseling and other medical services on St. Francois. Mr. Smith
78 stated that their headquarters is in St. Charles and they currently have 8 offices.

79 The Chair asked if there were any citizens who would like to speak on said public hearing.
80 Being no other citizens who wished to speak, Councilman Henke moved to close P.H. #19-11-031,
81 seconded by Pagano. Motion carried.

82 The Chair stated that the next item on the agenda was Second Readings.

83 Councilman Caputa moved that Bill No. 9555 Ordinance adopting the budget for the City of
84 Florissant for the fiscal year commencing on December 1, 2019 and ending on November 30, 2020 and
85 providing for its effective date be read for a second time, seconded by Schildroth. Motion carried and
86 Bill No. 9555 was read for a second time. Councilman Henke moved that Bill No. 9555 be read for a
87 third time, seconded by Pagano. Motion carried and Bill No. 9555 was read for a third and final time
88 and placed upon its passage.

89 Before the final vote all interested persons were given an opportunity to be heard. Being no
90 citizens who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan
91 yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No.
92 9555 to have passed and became Ordinance No. 8573.

Councilman Caputa moved that Bill No. 9556 Ordinance repealing Ord. No. 8472 and authorizing the Mayor of the City of Florissant to enter into a contract with the law firm of Lewis, Rice represented by John M. Hessel for legal services for the City of Florissant commencing on December 1, 2019 and ending on November 30, 2020 be read for a second time, seconded by Eagan. Motion carried and Bill No. 9556 was read for a second time. Councilman Caputa moved that Bill No. 9556 be read for a third time, seconded by Henke. Motion carried and Bill No. 9556 was read for a third and final time and placed upon its passage.

Before the final vote all interested persons were given an opportunity to be heard. Being no citizens who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9556 to have passed and became Ordinance No. 8574.

Councilman Caputa moved that Bill No. 9557 Ordinance authorizing the Mayor of the City of Florissant to enter into a user agreement for dispatch equipment for the interoperable radio system with St. Louis County, Missouri be read for a second time, seconded by Pagano. Motion carried and Bill No. 9557 was read for a second time. Councilwoman Pagano moved that Bill No. 9557 be read for a third time, seconded by Caputa. Motion carried and Bill No. 9557 was read for a third and final time and placed upon its passage.

Before the final vote all interested persons were given an opportunity to be heard. Being no citizens who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9557 to have passed and became Ordinance No. 8575.

The next item on the agenda was new business.

Councilman Caputa moved to reappoint Robert Smith, 2823 Chapel View, to the Citizens Participation Committee as a member from Ward 4 for a term expiring on 3/24/2022, seconded by Pagano. Motion carried.

Councilwoman Pagano moved to accept the application for a Transfer of Special Use Permit No. 5724 from 367 Pizza Company to Florissant IMG Pizza, Inc. d/b/a Imo's Pizza located at 1939 Washington, for the operation of a restaurant, seconded by Caputa. Motion carried.

The next item on the agenda was First Readings.

Councilman Siam introduced Bill No. 9560 authorizing an amendment to Table XIV-L “Stopping, Standing or Parking Prohibited between 7:00 a.m. and 5:00 p.m. on Monday through Friday” by adding certain locations and said Bill was read for the first time by title only.

Council as a whole introduced Bill No. 9561 Ordinance authorizing the Mayor of the City of Florissant to enter into a user agreement for the interoperable radio system with St. Louis County, Missouri and said Bill was read for the first time. Councilman Eagan moved that Bill No. 9561 be read for a second time, seconded by Schildroth. Motion carried and Bill No. 9561 was read for a second time. Councilman Siam moved that Bill No. 9561 be read for a third time, seconded by Parson. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members present Bill No. 9561 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard.

Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9561 to have passed and became Ordinance No. 8576.

Councilman Caputa introduced Bill No. 9562 Ordinance supporting the Transportation Improvement Program (TIP) application for the funding of the improvement of rue St. Denis through the East-West Gateway Council of Governments and the Missouri Department of Revenue (MODOT) and said Bill was read for the first time by title only.

Council as a whole introduced Bill No. 9563 Ordinance authorizing the Mayor of the City of Florissant to enter into an agreement with the St. Louis County Boards of Police Commissioners to allow Officer Dan Biermann to serve as an instructor at the St. Louis County Police Academy and said Bill was read for the first time. Councilman Schildroth moved that Bill No. 9563 be read for a second time, seconded by Caputa. Motion carried and Bill No. 9563 was read for a second time. Councilman Schildroth moved that Bill No. 9563 be read for a third time, seconded by Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members present Bill No. 9563 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard.

Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9563 to have passed and became Ordinance No. 8577.

Councilman Parson introduced Bill No. 9564 Ordinance authorizing an amendment to Section 405.125 "B-3 Extensive Business District" Subsection (K) "Special Use Permits" by adding signage regulations to Short Term Loan Establishments and said Bill was read for the first time by title only.

Councilman Henke introduced Bill No. 9565 Ordinance authorizing an amendment to Section 405.161 (D) "Historic Business District, Subsection 6 "Special Use Permits" by adding a new use "State Substance Awareness Traffic Offender Program, probation service, theft offense, domestic violence and substance abuse service establishments and said Bill was read for the first time by title only.

Councilman Caputa introduced Bill No. 9566 Ordinance authorizing an appropriation of \$38,000 from the Capital Improvement Fund to Acct. No. 03-5-03-20030 "Debt Payment Eq/lease purchase" and said Bill was read for the first time. Councilman Schildroth moved that Bill No. 9566 be read for a second time, seconded by Caputa. Motion carried and Bill No. 9566 was read for a second time. Councilman Schildroth moved that Bill No. 9566 be read for a third time, seconded by Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members present Bill No. 9566 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard.

Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9566 to have passed and became Ordinance No. 8578.

Councilman Caputa introduced Bill No. 9567 Ordinance authorizing an appropriation of \$30,000 from the Park Improvement Fund to Acct. No. 09-5-09-20030 "Debt Payment Eq/lease purchase" and said Bill was read for the first time. Councilman Schildroth moved that Bill No. 9567 be read for a second time, seconded by Caputa. Motion carried and Bill No. 9567 was read for a second time. Councilman Schildroth moved that Bill No. 9567 be read for a third time, seconded by Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members

present Bill No. 9567 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard.

Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9567 to have passed and became Ordinance No. 8579.

Councilman Caputa introduced Bill No. 9568 Ordinance authorizing various transfers within General Fund accounts to better classify expenses between account categories and said Bill was read for the first time. Councilman Schildroth moved that Bill No. 9568 be read for a second time, seconded by Caputa. Motion carried and Bill No. 9568 was read for a second time. Councilman Schildroth moved that Bill No. 9568 be read for a third time, seconded by Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members present Bill No. 9568 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard.

Robert Smith, resident asked Kimberlee Johnson, Director of Finance, to clarify the reason for the transfers.

Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9568 to have passed and became Ordinance No. 8580.

Councilwoman Pagano introduced Bill No. 9569 Ordinance authorizing a transfer of Special Use Permit No. 5724 from 367 Pizza Company to Florissant IMG, Inc. d/b/a Imo's Pizza for the operation of a restaurant located at 1939 Washington Street and said Bill was read for the first time. Councilwoman Pagano moved that Bill No. 9569 be read for a second time, seconded by Eagan. Motion carried and Bill No. 9569 was read for a second time. Councilman Schildroth moved that Bill No. 9569 be read for a third time, seconded by Pagano. On roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Having received the unanimous vote of all members present Bill No. 9569 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard.

Being no persons who wished to speak, on roll call the Council voted: Parson yes, Siam yes, Harris yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes and Pagano yes. Whereupon the Chair declared Bill No. 9569 to have passed and became Ordinance No. 8581.

The next item on the Agenda was Council Announcements.

Councilmembers thanked Tim Jones for his five years of service to the city and the residents. He was a friend to all and worked diligently to meet the needs of all those who asked. No one worked harder and loved the city of Florissant more. Mr. Jones was a devoted supporter of the Food Pantry on St. Catherine and will be truly missed by all, especially his residents. It will be difficult for him to be replaced.

Councilman Schildroth thanked the residents who attended the recent Ward meeting of Wards 5 and 7.

Councilman Siam also thanked the residents of Wards 8 & 9 who attended the recent ward meeting.

Council President Caputa stated that residents of Ward 2 could contact him if they had concerns or questions that needed to be addressed until Councilman Jones was replaced. Also, he stressed that all residents should keep their fire arms locked up and not leave them in their vehicles. He added that leave cars should not be left unattended when being warmed up. Wards 2, 3, and 4 will be hosting a Ward Meeting on Dec. 4th JFK.

The next item on the Agenda was Mayor Announcements.

Christmas in Old Town with Santa will be from 2-4:30 at City Hall on 12/7. There will be a plaque dedication on rue St. Francois for Rita Moellering, followed by the annual tree lighting ceremony on city hall grounds. The Mayor encouraged everyone to attend Christmas at the Shrine from 6-9.

Mayor Lowery wished everyone a safe and Happy Thanksgiving. He stated that Councilman Jones had become a good friend and has done some incredible things for the City. The Mayor heard from Tim almost daily and is very sorry to see him go. He will be missed by the Council and administration both.

The Council President announced that the next regular City Council Meeting was scheduled for Monday, December 9, 2019 at 7:30 pm.

Councilman Schildroth moved to adjourn the meeting, seconded by Henke. Motion carried. The meeting was adjourned at 8:54 p.m.

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244 The following Bills were signed by the Mayor:

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246 Bill No. 9555 Ord. 8573

247 Bill No. 9556 Ord. 8574

248 Bill No. 9557 Ord. 8575

249 Bill No. 9561 Ord. 8576

250 Bill No. 9563 Ord. 8577

251 Bill No. 9566 Ord. 8578

252 Bill No. 9567 Ord. 8579

253 Bill No. 9568 Ord. 8580

254 Bill No. 9569 Ord. 8581

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Karen Goodwin, City Clerk